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Understanding Family Law in Context: The Court Observation Assignment

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port each other in bad times”) rather than concentrate on legal constructions of families (“Families consist of parents and their children.”). Other questions might include:

- Does the list represent a complete picture, or have we left anything out?
- If some aspect of family appears to be missing, why might that be? For example, in most years students tend to describe families in positive terms rather than negative ones. That may engender a discussion in two directions: 1) what are the missing negative descriptions and 2) why were they not on our original list?
- Are all of the statements on the board true? (My example of families living at the same address is often found wanting in this regard.)
- Would our list look different if we had done this exercise 20 years ago? If we were in another country? If we were a more culturally diverse group?

Final step: I ask one of the students to **copy the sentences** on the board and ask if s/he will be responsible for providing copies to all of us by the next class. I ask students to keep the lists in their course materials for referral during the semester.

What is the value of this exercise? First, students generally find the exercise to be fun, which helps to balance much of the rest of traditional legal education. Second, this exercise incorporates many different pedagogies: learning from printed texts (reading); a “free-write,” albeit a short one; small-group discussion; small-group interaction skills; large-group discussion; analysis of the final work product; and a memorializing of the work product for future use in the course. Thus, the exercise “teaches to the whole class” in providing not one, but many, teaching techniques. In addition, the skits provide a sort of shared culture for the class, much as (dare I say it?) television might. So in addition to references that I or students might make to popular culture (“This is like the episode of *The Practice* last week...” or, in my time-warped mode, “This is like *Leave It to Beaver*...”) students can refer to our shared culture of the skits. (“Remember when the group in the back of the room did the skit about men feeling alienated from families? Maybe that has something to do with this default in the payment of child support that we read about for today.”) Finally, I am convinced that this exercise is long-remembered and effective because it incorporates actual physical activity with mental activity, use of words, and visual images, all of which involve more of the students’ whole persons.

Susan B. Apel, Vermont Law School

Understanding Family Law in Context: The Court Observation Assignment

For the last several years, I have included a court observation assignment in my three-credit, one-semester Family Law course. The class is a large (about 80 students) survey course that I teach through a mixture of problems, simulations, and Socratic discussion. I added this court observation assignment for a variety of reasons. First, the assignment provides a context for the legal doctrines we discuss in class. This deepens the students’ understanding of both doctrine and the procedures and institutions in which they are applied. In addition, the experience of the observation often encourages broader participation in class. Students who may not be motivated by a reading assignment to volunteer in class are often much more engaged in a topic after they have observed its application in an actual case. These discussions often cross doctrinal boundaries to include discussions of evidence, civil procedure, and professional responsibility. A final goal of the assignment is to expose students to both the need for pro bono representation and the injustices that occur in a system where the poor and middle class often go without legal representation.

Before assigning students to observe court proceedings, it is important to lay the groundwork with the local courts. With some notice, judges are very receptive to speaking with students after court sessions to discuss the law, the role of the attorney, and other issues raised by the hearing.

I have students complete the assignment by mid-semester so that I can grade them on a staggered basis and

can integrate student reports on their observations into class from time to time to enrich and enliven the discussion. Below is the information I give students about the court observation assignment.

I. Goals of Assignment

- A. To enhance your understanding of the substantive and procedural laws governing the resolution of domestic disputes.
- B. To develop a critical perspective about the operation of courts, including highlighting the differences between "law in the books" and the "law in operation."

II. Assignment

A. Court Observation

You are responsible for observing proceedings in a court hearing a domestic relations matter for a 2–3 hour session. Because I have made prior arrangements for these observations in both the Baltimore City and Baltimore County Circuit Courts, either of these courts would be good choices. Information concerning scheduling, location, etc. for those courts and others is included in this memo. You may, however, observe proceedings in any court hearing these matters in Maryland or the District of Columbia. Whatever court you choose, dress for court; introduce yourself to the judge or master, if possible; and, of course, treat all court personnel with courtesy and respect.

B. Written Narrative

After your observation, prepare a 1–3 page, typed, double-spaced description and analysis of what you observed. The narrative should include:

1. Date and time of your observation and name of court and judge or master you observed. While many of you have observed or assisted in court proceedings in other contexts, this assignment requires court observation during this semester.
2. Type of hearing(s) observed: divorce, child support, custody, contempt, etc. (pendente lite vs. merits); domestic violence (ex parte vs. protective order); or parenting class.
3. Describe the content of the parenting class (topics covered and method of presentation) or hearing(s) (the evidence presented at the hearing; whether the parties were represented or appeared pro se).
4. Comment on the performance of the judge and attorneys (if any) or presenters and describe the judge's decision(s) or parties' agreement.

C. Deadlines

1. Although I have designated two class sessions as courtroom observation days, you may schedule your observation and prepare your written assignment any time between now and [due date]. Do not wait until the last week to schedule your courtroom observation—it may take more than one trip to court to obtain the information required for your written narrative. I have also advised the Baltimore City and County courts that students will be in the courthouse on a staggered basis over the course of the semester.
2. **Your written narrative is due by the beginning of class on [mid-semester point], but I encourage you to turn it in as early in the semester as possible.**

III. Options for Court Observation

[In this section, I give students detailed information about the particular local courts and judges hearing family law matters. I recommend that students call judges' chambers before observing and include phone numbers, addresses, etc. I also allow students to complete this assignment by observing appellate arguments in family law cases. Given the direction in which family law is moving, I have recently experimented with permitting some students to fulfill this requirement by observing court-ordered mediation or parenting classes where permission of participants has been given.]

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